

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**MOISES HERNANDEZ-JIMENEZ,**

**Defendant.**

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**8:08CR386**

**ORDER**

This matter is before the court on the motion of Jason M. Finch withdraw as counsel for the defendant, Moises Hernandez-Jimenez (Hernandez-Jimenez) (Filing No. 18). The court held a hearing on the motion on December 4, 2008. Hernandez-Jimenez and Mr. Finch were present for the hearing. Mr. Finch represented that the family of Hernandez-Jimenez who retained Mr. Finch no longer wanted Mr. Finch to represent Hernandez-Jimenez and requested counsel be appointed for Hernandez-Jimenez. The motion was granted. Hernandez-Jimenez stated his financial situation remained the same since counsel was initially appointed for him (Filing No. 7). The Federal Public Defender for the District of Nebraska is re-appointed to represent Hernandez-Jimenez for the balance of these proceedings pursuant to the Criminal Justice Act. Mr. Finch shall forthwith provide the Federal Public Defender with the discovery materials provided the defendant by the government and such other materials obtained by Mr. Finch which are material to Hernandez-Jimenez's defense.

The clerk shall provide a copy of this order to the Federal Public Defender who shall file an appearance forthwith.

Hernandez-Jimenez requested additional time for his new counsel to prepare the case for trial and acknowledged the additional time would be excluded under the Speedy Trial Act. The request was granted and trial of this matter is rescheduled before Judge Laurie Smith Camp and a jury on **January 27, 2009. The trial of this matter scheduled for December 16, 2008, is canceled.**

The ends of justice have been served by granting such additional time to file pretrial motions and outweigh the interests of the public and the defendant in a speedy trial. The

additional **time** arising as a result of the granting such time, i.e., the time between **December 4, 2008 and January 27, 2009**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

**IT IS SO ORDERED.**

DATED this 5th day of December, 2008.

BY THE COURT:

s/Thomas D. Thalken  
United States Magistrate Judge